



# CONCUSSION SETTLEMENT

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION  
No. 2:12-md-02323 (E.D. Pa.)

## NOTICE OF DENIAL OF MONETARY AWARD CLAIM

DATE OF NOTICE: **September 28, 2018**

DEADLINE TO APPEAL: **October 29, 2018**

### I. SETTLEMENT CLASS MEMBER INFORMATION

Settlement Program ID	950006982		
Name	First Kendra	M.I. S	Last Moyes
Settlement Class Member Type	Representative Claimant		
Lawyer	Hausfeld LLP		
Asserted Qualifying Diagnosis	Death with CTE (Chronic Traumatic Encephalopathy)	Date	11/10/15

### II. EXPLANATION OF CLAIM DETERMINATION

This Notice is an official communication from the Claims Administrator for the NFL Concussion Settlement Program. We reviewed your Claim Package and determined that you are not entitled to a Monetary Award because:

1. The Retired NFL Football Player died on or after the Final Approval Date of the Settlement Agreement, which was April 22, 2015. Section 6.3(f) of the Settlement Agreement prohibits a Qualifying Diagnosis of Death with CTE if the Retired NFL Football Player died on or after April 22, 2015. If the Retired NFL Football Player received a different Qualifying Diagnosis while he was living (i.e., Level 1.5 Neurocognitive Impairment, Level 2.0 Neurocognitive Impairment, Alzheimer's Disease, Parkinson's Disease, or ALS), you may submit a Claim Package for that Qualifying Diagnosis for review by the Claims Administrator. The new Claim Package must contain an updated Claim Form, a new Diagnosing Physician Certification Form, and medical records that reflect the newly asserted Qualifying Diagnosis.

Section III below explains your right to appeal this denied claim, but you also have the option to submit a new Claim Package under Section 9.1(c)(i) of the Settlement Agreement. We will determine whether the new claim can be considered for a Monetary Award based on several factors, including whether the new claim shows materially changed circumstances from the earlier claim. These materially changed circumstances may include: (a) a different type of Qualifying Diagnosis than the one that was denied; or (b) the same type of Qualifying Diagnosis but with a different diagnosis date supported by additional medical records. If you submit a new claim within 365 days of this denial notice, Section 10.3(d)(ii) of the Settlement Agreement requires us to audit that new claim if it is based on the same Qualifying Diagnosis as this denied claim, but the new diagnosis was made by a different physician.

### III. YOUR RIGHT TO APPEAL THIS DETERMINATION

If you have a good faith belief that the decision to deny your Monetary Award claim is incorrect, you may appeal this determination to the Court under Section 9.5 of the Settlement Agreement. To do so, click the Appeal Denied Claim button on your secure online portal and follow the instructions provided. You must submit supporting evidence to support your appeal. Any written statement may not be more than 10 double-spaced pages. You must do so on or before the Deadline to Appeal stated at the top of this Notice.



If you decide to appeal, the Settlement Agreement requires you to pay an Appeal Fee of \$1,000, which you can do using the online PayPal option or by check made payable to the NFL Claims Administrator. This fee will be refunded if your appeal is successful. If you are unable to pay the \$1,000 fee, you may make a hardship request to us to waive the fee and will have to submit financial information showing a sufficient hardship.

If paying the \$1,000 Appeal Fee by check, mail the check to the address below.

NFL Concussion Settlement  
Claims Administrator  
P.O. Box 25369  
Richmond, VA 23260

The Special Master appointed by the Court will decide your appeal based upon a showing by you of clear and convincing evidence. The Special Master's factual determinations will be final and binding, but you or Co-Lead Class Counsel or the NFL Parties may object to any of the Special Master's conclusions of law, which will then be subject to de novo (*i.e.*, a new) review by the Court.

If an appeal is not submitted on or before the deadline stated at the top of this Notice, the determination in this Notice will become final.

#### **IV. CO-LEAD CLASS COUNSEL'S RIGHT TO APPEAL THIS DETERMINATION**

Section 9.5 of the Settlement Agreement also gives Co-Lead Class Counsel the right to challenge our decision to deny your Monetary Award claim. If Co-Lead Class Counsel chooses to appeal, it must do so by the Deadline to Appeal stated at the top of this Notice and must provide a written copy of its Appeals Form and any supporting evidence to you, the NFL Parties, and us.

If an appeal is taken by you or Co-Lead Class Counsel, the NFL Parties may submit a written opposition (not to exceed 10 double-spaced pages) no later than 30 days after receipt of the Appeals Form. The party taking the appeal is not permitted to submit a reply.

Co-Lead Class Counsel may also submit a written statement (not to exceed 10 double-spaced pages) in response to your appeal no later than 15 days after receipt of the Appeals Form, and you and the NFL Parties may each submit a reply to any such submission by Co-Lead Class Counsel.

#### **V. HOW TO CONTACT US WITH QUESTIONS OR FOR HELP**

If you are represented by a lawyer, consult with your lawyer if you have questions or need assistance. If you are unrepresented and have any questions about this Notice or need help, contact us at 1-855-887-3485 or send an email to [ClaimsAdministrator@NFLConcussionSettlement.com](mailto:ClaimsAdministrator@NFLConcussionSettlement.com). If you are a lawyer, call or email your designated Firm Contact for assistance. For more information about the Settlement program, visit the official website at [www.NFLConcussionSettlement.com](http://www.NFLConcussionSettlement.com) to read the Frequently Asked Questions or download a copy of the complete Settlement Agreement.

